

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**Sheila A. Boisvert, Individually and as Administratrix  
of the Estate of Harvey P. Boisvert, deceased,**

**Plaintiff,**

**-v-**

**1:04-CV-502 (NAM)**

**Samuel S. Stratton Veterans Administration Medical  
Center,**

**Defendant.**

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**APPEARANCES:**

The LaFave Law Firm  
Cynthia S. LaFave, Esq., of Counsel  
Lawrence J. Zyra, Esq., of Counsel  
822 Delaware Avenue  
Delmar, New York 12054  
Attorneys for Plaintiff

Office of the United States Attorney  
Diane Cagino, Esq., Assistant United States Attorney  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, New York 12207  
Attorneys for Defendant

**Hon. Norman A. Mordue, D.J.:**

**MEMORANDUM-DECISION AND ORDER**

In this action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*, defendant moves to substitute the United States as the defendant and for summary judgment. By letter (Dkt. No. 15), plaintiff's counsel advises that plaintiff has no opposition to the motion. Upon review of the file, the Court concludes that the relief requested by defendant is warranted.

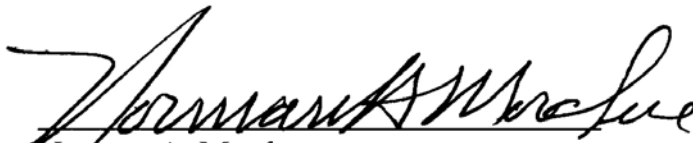
It is therefore

ORDERED that defendant's motion (Dkt. No. 14) is granted, the United States is

substituted as the defendant, and the action is dismissed.

IT IS SO ORDERED.

March 10, 2006  
Syracuse, New York



Norman A. Mordue  
U.S. District Judge

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